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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/313,407 05/18/99 LORRAINE

EXAMINER 99P7558US01

QM02/0522

MOGAN, LEWIS & BOCKIUS, LLP
1800 M STREET, N.W.
WASHINGTON DC 20036-5869

ART UNIT MILLER PAPER NUMBER

DATE MAILED 747

05/22/01

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 10/4/00 & 5/18/01

☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claims are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

Enclosed herein is a new complete office action replacing the final rejection of January 3, 2001 and restarting the three month statutory period. The office apologizes for this delay, but did not realize, until the applicant's recent communication, that the action was inadvertently mailed without the body of the action being typed. We have taken steps to insure that the private contractors who do our mailing do not make this mistake in the future.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bassler in view of Taylor.

Taylor applies as per the last office action and Bassler teaches the details of applicant's clip. Note that both Figures 1 and 2 of Bassler show a gap between the projection on the cup and the sides of the window. This gap will inherently allow for some movement of the injector within the cup.

It would have been obvious to make the clip of Bassler with a somewhat larger window to allow for more axial movement as suggested by Taylor because the latter had clearly recognized the problem in the art and solved it while the former had inherently designed his clip for some movement. Finally, Taylor shows a rail assembly and it would have been obvious to use an automated process to produce the assembly.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassler and Taylor as applied to claim 10 above, and further in view of Harrell.

Harrell discusses vibration and temperature concerns which his seal will resist through axial movement of the injector within the injector cup. Because Harrell is a gasoline injector mounted in an air manifold the test conditions would be in the same ranges as applicant's thereby making it obvious to test the Bassler device in a similar manner

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Applicant's arguments filed October 4, 2000 have been fully considered but they are not persuasive. In particular~~y~~, The Bassler clip is shown with a gap at least on one side. The fact that a gap is present means that the injector can move in one direction and then could move in a second direction. In short, the injector can be in an intermediate position with at least some gap in both directions. Such an orientation is suggested by the disclosure of Taylor who has already recognized the need for such movement.

Finally, the clip of Bassler certainly limits the axial movement of the injector in both directions in the same way applicant's clip limits this movement.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

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In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

eb/C. Miller
17 May 2001



Carl S. Miller
Primary Examiner